

V. Provided always, and be it further enacted, That in case any such Distress and Sale, as aforesaid, shall be made by virtue or colour of this present Act for Rent pretended to be arrear and due, where in truth no Rent is arrear or due to the Person or Persons distraining, or to him or them in whose Name, or Names, or Right, such distress shall be taken as aforesaid, that then the Owner of such Goods or Chattels distrained and sold as aforesaid, his Executors or Administrators, shall and may, by Action of Trespass, or upon the Case, to be brought against the Person or Persons so distraining, any or either of them, his or their Executors or Administrators, recover double of the value of the Goods or Chattels so distrained and sold, together with full Costs of Suit.

II. Goods distrained for Rent may be appraised and sold.¹ *Further provided for by 8 Annæ, c. 14.*

III. Corn loose, &c. may be detained and sold.

IV. Treble Damages for Pound-breach, 1 Lutw. 213, Carthew, 321.

V. Double Damages and Costs against Wrongful Distrainer.

See 4 Geo. 2, c. 28, s. 5, extending the power of distress and sale to rents seck, &c. This Statute does not affect distresses *damage feasant*.

It is well settled that a distress to be lawful here must be in conformity with the provisions of this Statute, Garrett v. Hughlett, 1 H. & J. 3.²

Notice of sale.—The notice³ required under the first section must be in writing, Wilson v. Nightingale, 8 Q. B. 1034, but it is sufficient if given to **570** the tenant of the land, and the *owner of the goods cannot object that it was not given to him, and if the notice be given to the party it need not be left on the premises, Walter v. Rumbal, 1 Ld. Raym. 53; and from the report of the same case in 4 Mod. 390, it seems that the dis-

¹ "At common law the landlord had no right to sell property taken under a distress, but was obliged to keep the same as a pledge until it was redeemed by the tenant. The power to sell was first conferred by Statute 2 William & Mary, and under its provisions, distress soon became a speedy and efficient remedy for the collection of rent. The statute provided that unless the tenant or owner replevied the property within five days after the distress and notice thereof, the person distraining was authorized to have the distress appraised, and after such appraisement to sell the same towards the satisfaction of the rent and expenses incident to the distress." Lamotte v. Wisner, 51 Md. 559.

² State v. Timmons, 90 Md. 11.

³ Notice of distress and sale posted upon the premises, the lot leased being used by tenant as a lumber yard, and also advertised once in a daily newspaper conforms to the requirements of the statute. Cahill v. Lee, 55 Md. 319.